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# HONOLULU TOWER

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April 2, 2019

**TESTIMONY ON SB272, HD2 (HSCR1598) RELATING TO SOLAR ENERGY  
DEVICES, HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE,  
APRIL 3, 2019**

Honolulu Tower is a 396 unit condominium, built in 1982. The Board of Directors of the Honolulu Tower Association of Apartment Owners voted unanimously at its February 4, 2019 meeting to support this bill.

The Board is pleased that the Committee Report from the House Committee on Consumer Protection and Commerce clarifies that condominium unit owners can install solar windows and skylights upon written consent of the condominium board. Previous versions of this bill made no mentions of condominiums or high rises. More than 350,000 people statewide live in condominiums and we are grateful that under HD2 we will have the ability to avail ourselves of this new technology, as well as others that may exist when we replace our windows in several years.

This technology should also be available for all new high rise construction.

This relatively new technology is not permitted in Hawaii. We should be able to avail ourselves of this innovation, thus bringing us closer to green energy for both new buildings and old ones when their windows have to be replaced. Our glass enclosed building will be replacing its windows in several years. It would be nice to have this as one option.

Honolulu Tower Association of Apartment Owners  
Board of Directors

**SB-272-HD-2**

Submitted on: 4/2/2019 11:19:57 AM

Testimony for FIN on 4/3/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Glenn S. Horio	Anderson Lahne & Fujisaki	Support	No

## Comments:

Dear Representative Luke, Chair, Representative Cullen, Vice Chair, and Members of the Committee on Finance:

I support the intent of S.B. 272 HD2 which will broaden the definition of “solar energy device,” but urge the committee to modify the language of the bill as discussed below. As presently written, the bill amends the definition of solar energy device in HRS § 514B-140(c) to include photovoltaic windows and skylights which convert solar energy to electricity (hereinafter “solar windows and solar skylights”), but requires the installation of such devices to be approved by the board.

The addition of board approval is a positive step, but further amendments are needed to address issues that will undoubtedly arise regarding architectural controls and structural integrity. Otherwise, it may lead to owners causing structural damage by cutting holes in roofs to install solar skylights and enlarging window openings to install solar windows. It may also result in a hodgepodge of window styles and designs.

Most condominium associations have a design scheme which the association’s board of directors is responsible for regulating and enforcing. Many design schemes include regulations or guidelines for the location, size, and types of windows which may be installed in buildings. Design controls serve the purposes of preserving property values, protecting the structural integrity of buildings, and maintaining aesthetic values.

For the above reasons, the bill should be amended to state that the board may establish reasonable rules, regulations, and specifications for solar windows and solar skylights.

This amendment will accomplish other things as well. First, although HRS § 514B-140(d) is not expressly mentioned, it will allow condominium boards to install solar windows and solar skylights on the common elements. Second, the amendment will also allow owners of townhouses and single-family residential dwellings which are subject to Chapter 514B to install solar windows and solar skylights.

Presently, HRS § 514B-140(c) provides that the installation of solar energy devices by owners shall be allowed on single-family residential dwellings or townhouses pursuant to the provisions in HRS § 196-7. S.B. 272 HD2 has the potential to cause confusion because HRS § 196-7 expressly excludes windows and skylights. The title of S.B. 272, Relating to Solar Energy Devices, does not limit the scope of the bill to condominiums and HRS § 196-7 could be amended to include solar windows and solar skylights.

Finally, HRS § 514B-140(c) and (d) should be amended to provide clarification on issues that have arisen in the past.

HRS § 514B-140(c) should be amended to provide that it applies only to alterations and additions made by owners and not by condominium associations.

HRS § 514B-140(d)(3) provides that a condominium board shall have the authority to install or cause the installation of solar energy devices on the common elements of a project, but provides that the board may not install such devices upon a limited common element without the consent of the owner or owners of the unit or units for which use of the limited common element is reserved. This creates a problem in instances where the entire building or tower is a limited common element because it can have the effect of requiring 100% approval of all owners in the building or tower before the board may install solar energy devices on the building or tower. Additionally, per HRS Section 514B-35(4) many windows are now classified as limited common elements. Accordingly, the bill should be revised to amend HRS § 514B-140(d) to clarify that condominium boards are not required to obtain the approval of all owners in a building or tower that is designated as a limited common element before it may install solar energy devices on the limited common element roof or other portions of the building or tower or when replacing limited common element windows with solar windows when all limited common element windows in a building or tower are being replaced. Otherwise, many associations may not be able to take advantage of the law.

Respectfully submitted,

Glenn S. Horio

**SB-272-HD-2**

Submitted on: 4/1/2019 3:36:28 PM

Testimony for FIN on 4/3/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Support	No

## Comments:

I live in a high rise condo in Downtown Honolulu. We will be replacing our windows in six to eight years. As it stands now, we may not be able to employ building integrated and building applied photovoltaics in the windows as they may be illegal in Hawaii. The statutes are ambiguous. These types of windows will help us achieve energy sufficiency.

This bill was introduced to allow ALL buildings to utilize photovoltaics. It is the consumation of a conference I attended for associations two years ago where a representative of the solar industry mentioned in passing that these windows, a new technology, were not legal in Hawaii.

I am pleased that the House Committee on Consumer Protection clarified that condominiums, which are home to more than 350,000 people statewide, will be able to avail themselves of this technology. HD2 provides that the installation of solar energy devices by owners of condominium units will be allowed upon written consent of the condominium board. It may need to be further clarified that if the Association owns the windows (in some properties the Association owns the windows and in others the individual owners own the windows in their units) that the Board is authorized to make that decision for the Association.

This measure amends the definition of 'solar energy device' to include building-applied photovoltaics and building-integrated photovoltaics, which will encourage the use of renewable energy and further the renewable energy initiative in Hawaii."

Please help us and all others who will be purchasing windows to take advantage of this new, promising technology. We should not be penalized.

Lynne Matusow

**SB-272-HD-2**

Submitted on: 4/2/2019 12:29:50 PM

Testimony for FIN on 4/3/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Anne Anderson	Individual	Support	No

## Comments:

Dear Representative Luke, Chair, Representative Cullen, Vice Chair, and Members of the Committee:

I support the intent of S.B. 272 HD2 which will broaden the definition of “solar energy device,” but urge the committee to modify the language of the bill as discussed below. As presently written, the bill amends the definition of solar energy device in HRS § 514B-140(c) to include photovoltaic windows and skylights which convert solar energy to electricity (hereinafter “solar windows and solar skylights”), but provides conflicting and ambiguous language regarding the approved procedures.

Under the proposed amendments, §514B-140(c)(1) would requires the “written consent of the board” before owners may install solar energy devices in condominium units, while § 514B-140(c)(2) would state that solar energy devices “shall be allowed on single-family residential dwellings or townhouses pursuant to the provisions in section 196-7.”

While the intent of the amendments is good, the amendments to § 514B-140(c), as drafted, will create ambiguities and problems:

1. It is not clear whether §514B-140(c)(1) and (c)(2) are alternative provisions. In other words, if they are interpreted as alternatives, written consent of the board will be required for condominium units, but if a condominium unit is a single-family residential dwelling or a townhouse dwelling, then written consent may not be required.

2. Alternatively, §514B-140(c)(1) and (c)(2) could be interpreted to mean that the written consent of the board is required for all installations of solar energy devices, but that the requirements of §196-7 are in addition to the written consent of the board.

If litigated, a court may rule that the provisions are ambiguous and therefore unenforceable as they are reasonably susceptible to more than one meaning. If they are not deemed ambiguous, other problems will arise.

If interpretation 1 is adopted, this could mean that the written consent of the board is not needed for installation of solar energy devices on single-family residential dwellings or townhouse dwellings, which would defeat the purpose of the amendments. Major

problems may arise if owners are permitted to install windows and skylights without approval of the board. Board approval is needed to maintain architectural controls and structural integrity. Without board approval, owners may cause structural damage by cutting holes in roofs to install solar skylights and enlarging window openings to install solar windows. It may also result in a hodgepodge of window styles and designs. These concerns apply regardless of whether the condominium is in a high-rise building or in a single-family residential dwelling or a townhouse.

Most condominium associations have a design scheme which the association's board of directors is responsible for regulating and enforcing. Many design schemes include regulations or guidelines for the location, size, and types of windows which may be installed in buildings. Design controls serve the purposes of preserving property values, protecting the structural integrity of buildings, and maintaining aesthetic values. Boards are able to enforce design controls primarily through §514B-140(c), which requires the written consent of the board for alterations and additions. Owners should not be exempt from §514B-140(c).

Interpretation 2 is equally problematic in that §514B-140(c)(2) states that "solar energy devices" may be installed pursuant to §196-7. Currently, the definitions of the term "solar energy device" in §196-7 and §514B-140(c) are substantially the same, except that §196-7 specifically excludes skylights and windows from the definition of "solar energy device."

S.B. 272 HD2 seeks, in part, to amend the definition of "solar energy device" in §514B-140(c) to include specified skylights and windows, while leaving the definition of the term in §196-7 unchanged. Given this context, readers of the amended §514B-140(c) will struggle to discern the meaning of "pursuant to the provisions in section 196-7."

Regardless of whether interpretation 1 or 2 is adopted, the proposed amendments will create confusion and probable litigation. For the above reasons, the bill should be clarified and amended to state that the board may establish reasonable rules, regulations, and specifications for solar windows and solar skylights and that the written consent of the board is required for installation of photovoltaic windows and skylights.

This amendment will do other things as well. Although HRS § 514B-140(d) is not expressly mentioned, it will allow condominium boards to install solar windows and solar skylights on the common elements.

Finally, HRS § 514B-140(c) and (d) should be amended to provide clarification on two issues that have arisen in the past:

First, HRS § 514B-140(c) should be amended to provide that it applies only to alterations and additions made by owners and not by condominium associations.

Second, HRS § 514B-140(d)(3) provides that a condominium board shall have the authority to install or cause the installation of solar energy devices on the common

elements of a project, but provides that the board may not install such devices upon a limited common element without the consent of the owner or owners of the unit or units for which use of the limited common element is reserved. This creates a problem in instances where the entire building or tower is a limited common element because it can have the effect of requiring 100% approval of all owners in the building or tower before the board may install solar energy devices on the building or tower. Additionally, per HRS Section 514B-35(4) many windows are now classified as limited common elements. Accordingly, the bill should be revised to amend HRS § 514B-140(d) to clarify that condominium boards are not required to obtain the approval of all owners in a building or tower that is designated as a limited common element before it may install solar energy devices on the limited common element roof or other portions of the building or tower or when replacing limited common element windows with solar windows when all limited common element windows in a building or tower are being replaced. Otherwise, many associations may not be able to take advantage of the law.

In closing, if S.B. 272 HD2 advances, we would like an opportunity to submit amendments to the proposed text to address the potential problems discussed above.

Respectfully submitted,

M. Anne Anderson



**SB-272-HD-2**

Submitted on: 4/2/2019 12:35:26 PM

Testimony for FIN on 4/3/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Philip L. Lahne	Individual	Support	No

## Comments:

Dear Representative Luke, Chair, Representative Cullen, Vice Chair, and Members of the Committee:

I support the intent of S.B. 272 HD2 which will broaden the definition of “solar energy device,” but urge the committee to modify the language of the bill as discussed below. As presently written, the bill amends the definition of solar energy device in HRS § 514B-140(c) to include photovoltaic windows and skylights which convert solar energy to electricity (hereinafter “solar windows and solar skylights”), but provides conflicting and ambiguous language regarding the approved procedures.

Under the proposed amendments, §514B-140(c)(1) would requires the “written consent of the board” before owners may install solar energy devices in condominium units, while § 514B-140(c)(2) would state that solar energy devices “shall be allowed on single-family residential dwellings or townhouses pursuant to the provisions in section 196-7.”

While the intent of the amendments is good, the amendments to § 514B-140(c), as drafted, will create ambiguities and problems:

1. It is not clear whether §514B-140(c)(1) and (c)(2) are alternative provisions. In other words, if they are interpreted as alternatives, written consent of the board will be required for condominium units, but if a condominium unit is a single-family residential dwelling or a townhouse dwelling, then written consent may not be required.

2. Alternatively, §514B-140(c)(1) and (c)(2) could be interpreted to mean that the written consent of the board is required for all installations of solar energy devices, but that the requirements of §196-7 are in addition to the written consent of the board.

If litigated, a court may rule that the provisions are ambiguous and therefore unenforceable as they are reasonably susceptible to more than one meaning. If they are not deemed ambiguous, other problems will arise.

If interpretation 1 is adopted, this could mean that the written consent of the board is not needed for installation of solar energy devices on single-family residential dwellings or townhouse dwellings, which would defeat the purpose of the amendments. Major

problems may arise if owners are permitted to install windows and skylights without approval of the board. Board approval is needed to maintain architectural controls and structural integrity. Without board approval, owners may cause structural damage by cutting holes in roofs to install solar skylights and enlarging window openings to install solar windows. It may also result in a hodgepodge of window styles and designs. These concerns apply regardless of whether the condominium is in a high-rise building or in a single-family residential dwelling or a townhouse.

Most condominium associations have a design scheme which the association's board of directors is responsible for regulating and enforcing. Many design schemes include regulations or guidelines for the location, size, and types of windows which may be installed in buildings. Design controls serve the purposes of preserving property values, protecting the structural integrity of buildings, and maintaining aesthetic values. Boards are able to enforce design controls primarily through §514B-140(c), which requires the written consent of the board for alterations and additions. Owners should not be exempt from §514B-140(c).

Interpretation 2 is equally problematic in that §514B-140(c)(2) states that "solar energy devices" may be installed pursuant to §196-7. Currently, the definitions of the term "solar energy device" in §196-7 and §514B-140(c) are substantially the same, except that §196-7 specifically excludes skylights and windows from the definition of "solar energy device."

S.B. 272 HD2 seeks, in part, to amend the definition of "solar energy device" in §514B-140(c) to include specified skylights and windows, while leaving the definition of the term in §196-7 unchanged. Given this context, readers of the amended §514B-140(c) will struggle to discern the meaning of "pursuant to the provisions in section 196-7."

Regardless of whether interpretation 1 or 2 is adopted, the proposed amendments will create confusion and probable litigation. For the above reasons, the bill should be clarified and amended to state that the board may establish reasonable rules, regulations, and specifications for solar windows and solar skylights and that the written consent of the board is required for installation of photovoltaic windows and skylights.

This amendment will do other things as well. Although HRS § 514B-140(d) is not expressly mentioned, it will allow condominium boards to install solar windows and solar skylights on the common elements.

Finally, HRS § 514B-140(c) and (d) should be amended to provide clarification on two issues that have arisen in the past:

First, HRS § 514B-140(c) should be amended to provide that it applies only to alterations and additions made by owners and not by condominium associations.

Second, HRS § 514B-140(d)(3) provides that a condominium board shall have the authority to install or cause the installation of solar energy devices on the common

elements of a project, but provides that the board may not install such devices upon a limited common element without the consent of the owner or owners of the unit or units for which use of the limited common element is reserved. This creates a problem in instances where the entire building or tower is a limited common element because it can have the effect of requiring 100% approval of all owners in the building or tower before the board may install solar energy devices on the building or tower. Additionally, per HRS Section 514B-35(4) many windows are now classified as limited common elements. Accordingly, the bill should be revised to amend HRS § 514B-140(d) to clarify that condominium boards are not required to obtain the approval of all owners in a building or tower that is designated as a limited common element before it may install solar energy devices on the limited common element roof or other portions of the building or tower or when replacing limited common element windows with solar windows when all limited common element windows in a building or tower are being replaced. Otherwise, many associations may not be able to take advantage of the law.

In closing, if S.B. 272 HD2 advances, we would like an opportunity to submit amendments to the proposed text to address the potential problems discussed above.

Respectfully submitted,

Philip L. Lahne

**SB-272-HD-2**

Submitted on: 4/2/2019 12:39:29 PM

Testimony for FIN on 4/3/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lance S. Fujisaki	Individual	Support	No

## Comments:

Dear Representative Luke, Chair, Representative Cullen, Vice Chair, and Members of the Committee:

I support the intent of S.B. 272 HD2 which will broaden the definition of “solar energy device,” but urge the committee to modify the language of the bill as discussed below. As presently written, the bill amends the definition of solar energy device in HRS § 514B-140(c) to include photovoltaic windows and skylights which convert solar energy to electricity (hereinafter “solar windows and solar skylights”), but provides conflicting and ambiguous language regarding the approved procedures.

Under the proposed amendments, §514B-140(c)(1) would requires the “written consent of the board” before owners may install solar energy devices in condominium units, while § 514B-140(c)(2) would state that solar energy devices “shall be allowed on single-family residential dwellings or townhouses pursuant to the provisions in section 196-7.”

While the intent of the amendments is good, the amendments to § 514B-140(c), as drafted, will create ambiguities and problems:

1. It is not clear whether §514B-140(c)(1) and (c)(2) are alternative provisions. In other words, if they are interpreted as alternatives, written consent of the board will be required for condominium units, but if a condominium unit is a single-family residential dwelling or a townhouse dwelling, then written consent may not be required.

2. Alternatively, §514B-140(c)(1) and (c)(2) could be interpreted to mean that the written consent of the board is required for all installations of solar energy devices, but that the requirements of §196-7 are in addition to the written consent of the board.

If litigated, a court may rule that the provisions are ambiguous and therefore unenforceable as they are reasonably susceptible to more than one meaning. If they are not deemed ambiguous, other problems will arise.

If interpretation 1 is adopted, this could mean that the written consent of the board is not needed for installation of solar energy devices on single-family residential dwellings or townhouse dwellings, which would defeat the purpose of the amendments. Major

problems may arise if owners are permitted to install windows and skylights without approval of the board. Board approval is needed to maintain architectural controls and structural integrity. Without board approval, owners may cause structural damage by cutting holes in roofs to install solar skylights and enlarging window openings to install solar windows. It may also result in a hodgepodge of window styles and designs. These concerns apply regardless of whether the condominium is in a high-rise building or in a single-family residential dwelling or a townhouse.

Most condominium associations have a design scheme which the association's board of directors is responsible for regulating and enforcing. Many design schemes include regulations or guidelines for the location, size, and types of windows which may be installed in buildings. Design controls serve the purposes of preserving property values, protecting the structural integrity of buildings, and maintaining aesthetic values. Boards are able to enforce design controls primarily through §514B-140(c), which requires the written consent of the board for alterations and additions. Owners should not be exempt from §514B-140(c).

Interpretation 2 is equally problematic in that §514B-140(c)(2) states that "solar energy devices" may be installed pursuant to §196-7. Currently, the definitions of the term "solar energy device" in §196-7 and §514B-140(c) are substantially the same, except that §196-7 specifically excludes skylights and windows from the definition of "solar energy device."

S.B. 272 HD2 seeks, in part, to amend the definition of "solar energy device" in §514B-140(c) to include specified skylights and windows, while leaving the definition of the term in §196-7 unchanged. Given this context, readers of the amended §514B-140(c) will struggle to discern the meaning of "pursuant to the provisions in section 196-7."

Regardless of whether interpretation 1 or 2 is adopted, the proposed amendments will create confusion and probable litigation. For the above reasons, the bill should be clarified and amended to state that the board may establish reasonable rules, regulations, and specifications for solar windows and solar skylights and that the written consent of the board is required for installation of photovoltaic windows and skylights.

This amendment will do other things as well. Although HRS § 514B-140(d) is not expressly mentioned, it will allow condominium boards to install solar windows and solar skylights on the common elements.

Finally, HRS § 514B-140(c) and (d) should be amended to provide clarification on two issues that have arisen in the past:

First, HRS § 514B-140(c) should be amended to provide that it applies only to alterations and additions made by owners and not by condominium associations.

Second, HRS § 514B-140(d)(3) provides that a condominium board shall have the authority to install or cause the installation of solar energy devices on the common

elements of a project, but provides that the board may not install such devices upon a limited common element without the consent of the owner or owners of the unit or units for which use of the limited common element is reserved. This creates a problem in instances where the entire building or tower is a limited common element because it can have the effect of requiring 100% approval of all owners in the building or tower before the board may install solar energy devices on the building or tower. Additionally, per HRS Section 514B-35(4) many windows are now classified as limited common elements. Accordingly, the bill should be revised to amend HRS § 514B-140(d) to clarify that condominium boards are not required to obtain the approval of all owners in a building or tower that is designated as a limited common element before it may install solar energy devices on the limited common element roof or other portions of the building or tower or when replacing limited common element windows with solar windows when all limited common element windows in a building or tower are being replaced. Otherwise, many associations may not be able to take advantage of the law.

In closing, if S.B. 272 HD2 advances, we would like an opportunity to submit amendments to the proposed text to address the potential problems discussed above.

Respectfully submitted,

Lance Fujisaki

Dear Representative Luke, Chair, Representative Cullen, Vice Chair, and Members of the Committee:

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Under the proposed amendments, §514B-140(c)(1) would require the “written consent of the board” before owners may install solar energy devices in condominium units, while § 514B-140(c)(2) would state that solar energy devices “shall be allowed on single-family residential dwellings or townhouses pursuant to the provisions in section 196-7.”

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1. It is not clear whether §514B-140(c)(1) and (c)(2) are alternative provisions. In other words, if they are interpreted as alternatives, written consent of the board will be required for condominium units, but if a condominium unit is a single-family residential dwelling or a townhouse dwelling, then written consent may not be required.
2. Alternatively, §514B-140(c)(1) and (c)(2) could be interpreted to mean that the written consent of the board is required for all installations of solar energy devices, but that the requirements of §196-7 are in addition to the written consent of the board.

If litigated, a court may rule that the provisions are ambiguous and therefore unenforceable as they are reasonably susceptible to more than one meaning. If they are not deemed ambiguous, other problems will arise.

If interpretation 1 is adopted, this could mean that the written consent of the board is not needed for installation of solar energy devices on single-family residential dwellings or townhouse dwellings, which would defeat the purpose of the amendments. Major problems may arise if owners are permitted to install windows and skylights without approval of the board. Board approval is needed to maintain architectural controls and structural integrity. Without board approval, owners may cause structural damage by cutting holes in roofs to install solar skylights and enlarging window openings to install solar windows. It may also result in a hodgepodge of window styles and designs. These concerns apply regardless of whether the condominium is in a high-rise building or in a single-family residential dwelling or a townhouse.

Most condominium associations have a design scheme which the association’s board of directors is responsible for regulating and enforcing. Many design schemes include regulations or guidelines for the location, size, and types of windows which may be installed in buildings. Design controls serve the purposes of preserving property values, protecting the structural

integrity of buildings, and maintaining aesthetic values. Boards are able to enforce design controls primarily through §514B-140(c), which requires the written consent of the board for alterations and additions. Owners should not be exempt from §514B-140(c).

Interpretation 2 is equally problematic in that §514B-140(c)(2) states that “solar energy devices” may be installed pursuant to §196-7. Currently, the definitions of the term “solar energy device” in §196-7 and §514B-140(c) are substantially the same, except that §196-7 specifically excludes skylights and windows from the definition of “solar energy device.”

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Regardless of whether interpretation 1 or 2 is adopted, the proposed amendments will create confusion and probable litigation. For the above reasons, the bill should be clarified and amended to state that the board may establish reasonable rules, regulations, and specifications for solar windows and solar skylights and that the written consent of the board is required for installation of photovoltaic windows and skylights.

This amendment will do other things as well. Although HRS § 514B-140(d) is not expressly mentioned, it will allow condominium boards to install solar windows and solar skylights on the common elements.

Finally, HRS § 514B-140(c) and (d) should be amended to provide clarification on two issues that have arisen in the past:

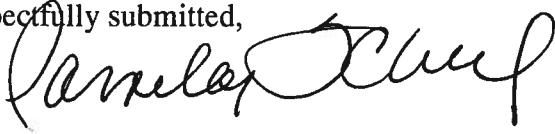
First, HRS § 514B-140(c) should be amended to provide that it applies only to alterations and additions made by owners and not by condominium associations.

Second, HRS § 514B-140(d)(3) provides that a condominium board shall have the authority to install or cause the installation of solar energy devices on the common elements of a project, but provides that the board may not install such devices upon a limited common element without the consent of the owner or owners of the unit or units for which use of the limited common element is reserved. This creates a problem in instances where the entire building or tower is a limited common element because it can have the effect of requiring 100% approval of all owners in the building or tower before the board may install solar energy devices on the building or tower. Additionally, per HRS Section 514B-35(4) many windows are now classified as limited common elements. Accordingly, the bill should be revised to amend HRS § 514B-140(d) to clarify that condominium boards are not required to obtain the approval of all owners in a building or tower that is designated as a limited common element before it may install solar energy devices on the limited common element roof or other portions of the building or tower or when replacing limited common element windows with solar windows when all limited common element windows in a building or tower are being replaced. Otherwise, many associations may not be able to take advantage of the law.



In closing, if S.B. 272 HD2 advances, we would like an opportunity to submit amendments to the proposed text to address the potential problems discussed above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Pamela Chuef". The signature is written in a cursive style with a large, looping initial "P" and a distinct "Chuef" at the end.



To: The House Committee on Finance  
From: Brodie Lockard, Hawaii State Climate Lead, Organizing for Action  
Date: Wednesday, April 3, 2019, 2:00 pm

**LATE**

**Comments SB272 HD2**

Dear FIN Chair Luke, Vice Chair Cullen, and Committee Members—

Organizing for Action supports SB272 HD2.

This bill costs the State nothing. The more solar energy devices we have, the sooner we'll reach zero emissions. There's no reason not to allow these devices in condominiums, be they "building-applied" or "building-integrated."

The definition of "solar energy devices" also needs to be updated as PV windows, PV roof shingles, and future innovations become available. Please pass SB272 HD2.

Thank you for the opportunity to testify.

Brodie Lockard  
Hawaii State Climate Lead, Organizing for Action